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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Haruki TODA

Serial No. 10/507,475

Filed: September 10, 2004

For: Phase-Change Memory Device

Art Unit: 2858

Examiner: Not Assigned

Confirmation No. 1274

**PETITION TO RESET TIME PERIOD FOR REPLY
DUE TO LATE RECEIPT OF OFFICE NOTICE**

Attention: Office of Petitions
Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Petitions
Commissioner for Patents
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Alexandria, VA 22313-1450, on

April 19, 2006

Date of Deposit

Juanita Soberanis

Name

Juanita Soberanis 04/19/2006

Signature

Date

Dear Sir:

A Notification of Missing Requirements under 35 USC 371 was apparently mailed by the United States Patent and Trademark Office on February 17, 2005, setting a two month period for submission of a Declaration of the inventors. As of this date, however, applicant has still not received the Notification by mail.

APPLICANT HEREBY REQUESTS AND PETITIONS THAT THE PERIOD FOR RESPONSE TO THE NOTIFICATION BE RESET, AND THAT THE ENCLOSED DECLARATION OF THE INVENTORS BE ACCEPTED AS A TIMELY RESPONSE TO THE NOTICE.

Applicant only recently became aware of the existence of the Notification in the course of a routine status check on PAIR. Applicant did not receive a copy of the Notification until April 5, 2006. This petition, and the required reply to the outstanding Notification, are being filed within two weeks of the applicant's actual receipt (by facsimile from the USPTO) of the Notification.

A Declaration of Troy M. Schmelzer is attached that describes and shows in detail the circumstances and evidence supporting the grant of this petition.


Applicant further notes that it has received no Notice of Abandonment of this application, and that there is no indication on PAIR that the application has been abandoned. In view of this, and in view of the fact that applicant never received the Notification of Missing Requirements by mail, applicant believes that a Petition to

Reset the Time Period for Response is the appropriate remedial action. However, should the Office deny this petition and hold the application to be abandoned, the attached declaration establishes beyond doubt that such abandonment was unavoidable and unintentional, and if necessary applicant intends to proceed with a petition for revival on these grounds should the instant petition be denied.

The Commissioner is hereby authorized to charge any fee due in connection with the filing, consideration and grant of this petition to our Deposit Account No. 50-1314. A copy of this document is enclosed.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: April 19, 2006

By: 
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